IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.3598 OF 2005

Tata Memorial Hospital,
having its office at
Dr. Ernest Borges Road,
Parel, Mumbai-400 012. .... Petitioners

- Versus -

1. Ayub Mohamed Ishaq Sheikh,
   Indian Inhabitant residing
   at Cancer Hospital Staff
   Quarters, Barshi,
   District Solapur.

2. Ashwini Rural Cancel Research
   and Relief Society, a
   Registered Trust having
   its office Agalgaon
   Road, Barshi,
   District Solapur. .... Respondents

Sarvasri J.P. Cama, Senior Advocate, with
S.V. Uttam, Advocate i/b M/s. Mulla &
Mulla & C.B. & C. for the Petitioner.

Shri S.G. Kudle, Advocate, for the Respondent
No.1.

Shri Nitin Jamdar, Advocate, for the Respondent
No.2.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: OCTOBER 19, 2006

ORAL JUDGMENT:

1. Heard. Rule. By consent, rule made returnable forthwith.

2. Though the impugned Judgment of the Industrial Court

passed in the revision application is sought to be challenged on various grounds, it is not necessary to deal with all those grounds and suffice to refer to only one ground, namely, that the impugned Judgment is a non-speaking order.

3. Bare perusal of the impugned Judgment discloses that after formulating the point for consideration in the revision application and making a cursory reference to the arguments advanced by the learned Advocates, the Industrial Court has disposed of the revision application by merely observing thus:

> "9. In view of these submissions, I have gone through the order under revision. It is well settled law that this Court has no jurisdiction to reappreciate the evidence on record. I do not find even any substance in the grounds of revision. Subject to any error, this Court cannot interfere in the order under revision. Hence I answer point No.1 in the negative."

4. Apart from para 9, there is absolutely no discussion on the point which is involved in the matter, the points which are sought to be raised by the petitioner before

the revisional authority, the contentions which were raised on behalf of either side and the findings thereon. The Industrial Court shall appreciate that a Judgment does not mean mere conclusions. Every conclusion has to be preceded by the reasonings which can disclose that the conclusion is borne out from the records. Any order passed by the lower authorities can be subjected to judicial review by this Court in writ jurisdiction. This Court would be entitled to know whether the lower authority has applied its mind to the points which are required to be considered while dealing with the matter. It is, therefore, necessary for the lower Court to refer to the facts, as well as the law applicable thereto and based thereon the conclusion should be arrived.

5. Any decision disposing a revision application on consideration of the rival contentions raised in the matter has to be by way of a judgment or a reasoned order. Such an order by the Industrial Court can be subjected to judicial review before this Court and in that case, this Court would be entitled to know whether the revisional authority has committed any jurisdictional error, at the same time the writ Court would be also entitled to know whether the revisional Court has applied its mind to the matter in issue or not. This is not only necessary for the benefit of the

writ Court for proper judicial review of such order but it is always expected from any judicial or quasi-judicial authority to disclose the reasons for final conclusions arrived at by such authority on adjudication of any dispute. An order or judgment cannot be complete in judicial sense unless it contains conclusions preceded by analysis of facts and the proper reasonings for those conclusions.

6. The reasonings should obviously disclose reference to the relevant facts and analysis thereof with reference to the point or issue under consideration and further on the basis of such analysis, the logical conclusions derived therefrom, bearing in mind the provisions in law applicable to the matter under consideration.

7. Plain reading of the impugned Judgment nowhere discloses either application of mind to the point which is involved in the matter or the reasonings in support of the conclusion which has been arrived at by the revisional Court that there is no substance in the grounds of revision. The finding that there is no substance in the ground of revision is merely a conclusion. The same has not been preceded by the required reasonings to justify the said conclusion. In the circumstances, the impugned Judgment, as rightly

submitted by the learned Advocate for the petitioner, is totally a non-speaking Judgment and therefore cannot be sustained and is liable to be set aside.

8. In the result, therefore, the petition succeeds on the limited ground stated above and accordingly the impugned Judgment and Order is hereby quashed and set aside and the matter is remanded to the Industrial Court with direction to dispose of the Revisional Application No.46 of 2003 within a period of three months after hearing the parties and by passing a reasoned order. It is made clear that this Court has not expressed any opinion of any of the points sought to be raised in the matter on merits. The rule is made absolute accordingly with no order as to costs. Meanwhile, the relief granted in favour of the petitioner against the direction to deposit the amount to remain in force.

(R.M.S. Khandeparkar, J.)

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